

A Resolution

IN SUPPORT OF THE APPLICATION OF MUSEUM PLACE HOLDINGS, LLC. TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION FOR THE MUSEUM PLACE DEVELOPMENT SITE, FORT WORTH, TEXAS

NO. 3609-03-2008

WHEREAS, Museum Place Holdings, LLC. (Applicant) has filed an application for support of a resolution seeking a Municipal Setting Designation for the property known as the Museum Place Development, Fort Worth, Texas, the metes and bounds description being attached hereto as Exhibit "A" (Site), and map of same being attached hereto as Exhibit "B" (Site Map), to the Texas Commission on Environmental Quality; and

WHEREAS, a public meeting on the application for support was held in Fort Worth on March 10, 2008, and a public hearing was held in Fort Worth on March 25, 2008, and the affected community was duly notified of same and allowed the opportunity to comment; and

WHEREAS, an approved public drinking water supply system exists that supplies or is capable of supplying drinking water to the Site and to locations within one-half mile of the Site; and

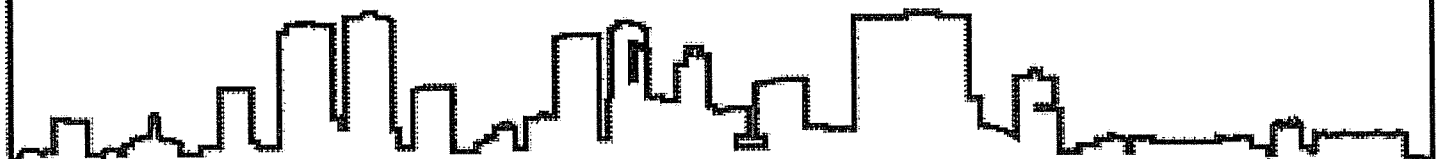
WHEREAS, Applicant has filed documentation with the city stating that contaminants identified within the designated groundwater, associated with historical uses of the Site, that have been detected in concentrations exceeding the applicable Tier 1 TRRP Residential Protective Concentration Levels (PCLs) include: benzene, MTBE, tetrachloroethene, cis-1,2-dichloroethene and trichloroethene; and

WHEREAS, Applicant has further filed documentation with the city stating that this contamination is contained within the shallow, perched groundwater beneath the Site; and

WHEREAS, the City of Fort Worth, by ordinance, has prohibited the use of designated groundwater beneath the Site for potable purposes as well as for irrigation; and

WHEREAS, upon passage of a supporting resolution by the City Council, Applicant intends to file an application with the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

WHEREAS, Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the Site; and



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WHEREAS, the certification of a Municipal Setting Designation for the Site is in the best interests of the community.

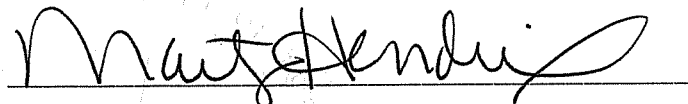
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

Supports Applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation of the Site.

Adopted this 25th day of March 2008.

ATTEST:

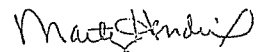
By: _____



Marty Hendrix, City Secretary

APPROVED
CITY COUNCIL

MAR 25 2008


City Secretary of the
City of Fort Worth, Texas



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EXHIBIT A

**METES AND BOUNDS DESCRIPTION
MUSEUM PLACE HOLDINGS, LLC
MUNICIPAL SETTING DESIGNATION (MSD)**

PROPERTY DESCRIPTION

BEING a tract of land situated in the City of Fort Worth, Tarrant County, Texas and being all of Lot 4R1, Block 2, Van Zandt Hillside Addition, as recorded in Volume 388-206, Page 81, Plat Records, Tarrant County, Texas, all of Lots 3 and 4 and a portion of Lot 5, Drake Subdivision, as recorded in Volume 848, Page 437, Plat Records, Tarrant County, Texas, all of Lot A, a portion of Lot B, all of Lots 4 through 8, of Block 1, all of Lots 1 through 7, all of Lots 17 through 22, and a portion of Lot 8, of Block 5, Van Zandt Hillside Addition, as recorded in Volume 204, Page 4, Plat Records, Tarrant County, Texas, a portion of Lot 4, Block 1, Lots 10, 11, 16, 17 and a portion of Lot 12, Block 3, all of Lots 19 and 20, Block 4, William J. Bailey Addition, as recorded in Volume 310, Page 61, Plat Records, Tarrant County, Texas, all of Lot 1R, Block 1, William J. Bailey Addition, as recorded in Cabinet A, Slide 1 1735, Plat Records, Tarrant County, Texas, all of Lot 1R, Block 2, William J. Bailey Addition, as recorded in Cabinet A, Slide 11939, Plat Records, Tarrant County, Texas, all of Lot 13R, Block 3, William J. Bailey Addition, as recorded in Volume 388-13 1, Page 48, Plat Records, Tarrant County, Texas, all of Lot A-R, Block 3, William J. Bailey Addition, as recorded in Volume 388-163m Page 91, Plat Records, Tarrant County, Texas, portions of Barden Street, Bailey Avenue, West 7th Street, Arch Adams Street, Arch Adams Lane, and Darcy Street, a portion of the alley in Block 3 of said William J. Bailey Addition, as recorded in Volume 3 10, Page 61, Plat Records, Tarrant County, Texas, and a portion of the alley in Block 5 of said Van Zandt Addition, as recorded in Volume 204, Page 4, Plat Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of said lot 4R1, Block 2, Van Zandt Addition, being at the intersection of the east right-of-way line of Boland Street and the south right-of-way line of existing West 7th Street;

THENCE South, 116.00 feet along the east right-of-way line of said Boland Street;

THENCE N 62°16'00"E, 19.24 feet;

THENCE S 26°13'10"E, 55.66 feet;

THENCE South, 43.15 feet to the northerly right-of-way line of Darcy Street;

THENCE N 63°02'06"E, 59.46 feet along the northerly right-of-way line of said Darcy Street;

THENCE S 27°17'45"E, 216.00 feet;



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THENCE S 63°02'06"W, 3.07 feet;

THENCE S 27°04'32"E, 140.00 feet to the northerly right-of-way line of Camp Bowie Boulevard;

THENCE N 63°02'06"E, 61 1.22 feet along the northerly right-of-way line of said Camp Bowie Boulevard;

THENCE N 00°14'50"W, 218.22 feet to the south right-of-way line of West 7th Street;

THENCE East, 209.56 feet along the south right-of-way line of said West 7th Street;

THENCE S 00°00'58"E, 112.07 feet returning to the northerly right-of-way line of said Camp Bowie Boulevard;

THENCE N 63°02'06"E, 247.15 feet to the beginning of a non-tangent curve to the left;

THENCE with said non-tangent curve to the left, an arc distance of 118.94 feet, through a central angle of 06°48'53 sec., having a radius of 1000.00 feet, the long chord of which bears N 75°57'49"E, 118.87 feet to the beginning of a compound curve to the left;

THENCE with said compound curve to the left, an arc distance of 102.66 feet, through a central angle of 47°03'15 sec., having a radius of 125.00 feet, the long chord of which bears N 54°21'16"E, 99.80 feet;

THENCE N 06°31'15"E, 111.99 feet to and along the westerly right-of-way line of University Drive North;

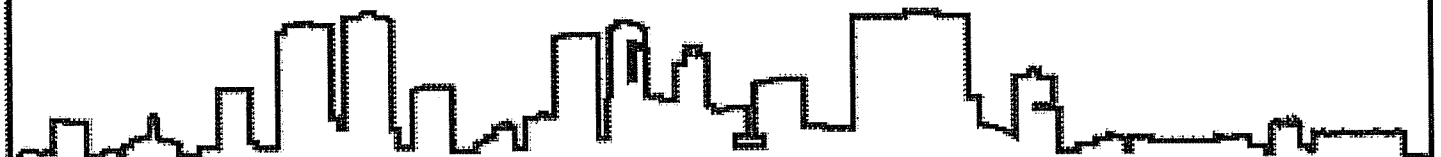
THENCE N 89°54'26"E, 3.58 feet continuing along the westerly right-of-way line of said University Drive North;

THENCE N 03°48'15"E, 144.39 feet continuing along the westerly right-of-way line of said University Drive North;

THENCE N 43°09'05"W, 6.83 feet to the south right-of-way line of West 6th Street;

THENCE S 89°53'38"W, 203.96 feet along the south right-of-way line of West 6th Street;

THENCE S 81°46'47"W, 98.93 feet across said Bailey Avenue to the most northerly northeast corner of said Lot 1R, Block 2, William J. Bailey Addition;



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THENCE West, 224.98 feet along the north line of said Lot 1R, Block 2, William J. Bailey Addition and across said Barden Street to the west right-of-way line of said Barden Street;

THENCE N 00°03'18"W, 39.43 feet to the south line of Lot 2, Block A, Bombay Addition, as recorded in Cabinet A, Slide 10625, Plat Records, Tarrant County, Texas;

THENCE West, 549.70 feet along the south line of said Lot 2, Block A, Bombay Addition and along the south line of Lot 1, Block A, said Bombay Addition and across Arch Adams Street and Arch Adams Lane;

THENCE South, 174.35 feet to and along the west right-of-way line of said Arch Adams Lane;

THENCE N 89°59'01"W, 100.18 feet;

THENCE S 00°10'20"E, 198.17 feet to the existing north right-of-way line of said West 7th Street;

THENCE N 89°51'03"W, 57.48 feet along the existing north right-of-way line of said West 7th Street;

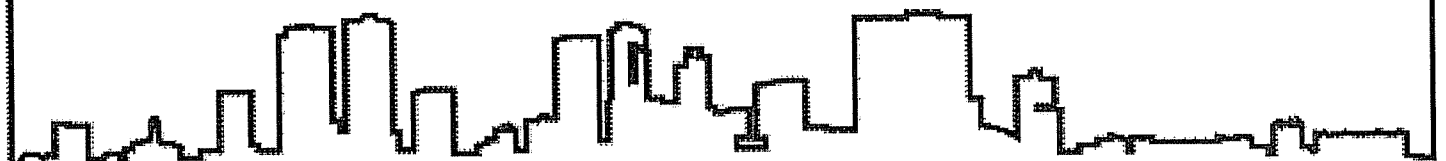
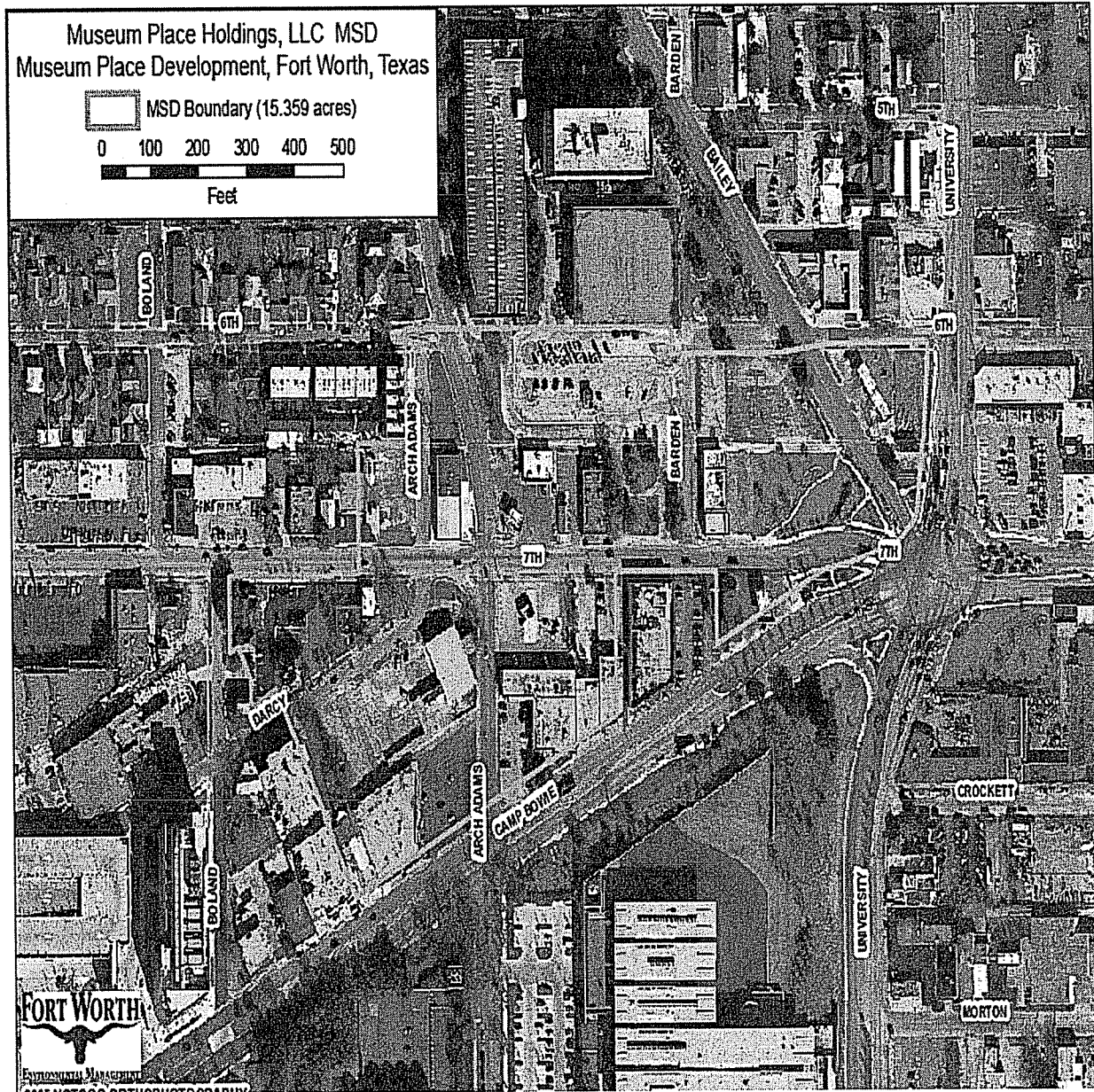
THENCE South, 4.08 feet continuing along the existing north right-of-way line of said West 7th Street;

THENCE West, 212.32 feet continuing along the existing north right-of-way line of said West 7th Street to the POINT OF BEGINNING and containing 15.361 acres of land more or less.



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EXHIBIT B



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City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 3/25/2008 - Res. No. # 3609-03-2008 & Ord. No. # 18031-03-2008

DATE: Tuesday, March 25, 2008
LOG NAME: 52MSD_MUSEUM PL

REFERENCE NO.: G-16090

SUBJECT:

Adopt a Resolution Supporting the Application of Museum Place Holdings, LLC, for a Municipal Setting Designation for the Site Known as Museum Place Development, Fort Worth, Texas, to the Texas Commission on Environmental Quality, and Adopt an Ordinance Prohibiting the Potable Use of Designated Groundwater from Beneath the Site

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a public hearing on the application of Museum Place Holdings, LLC, for approval of a Municipal Setting Designation (MSD) for the Site known as Museum Place Development, an approximately 15.361-acre tract, more fully described in Exhibit "A", to allow the public the opportunity to give testimony;
2. Adopt the attached resolution supporting the Applicant's application to the Texas Commission on Environmental Quality (TCEQ) for a MSD for the Site; and
3. Adopt the attached ordinance prohibiting the potable use of designated groundwater from beneath the site.

DISCUSSION:

In 2003, a state law became effective creating the concept of a Municipal Setting Designation (MSD). The purpose of a MSD is to certify properties in order to limit the scope of or eliminate the need for investigation of or response actions addressing contaminant impacts to groundwater that has been restricted from use as potable water by municipal ordinance. An applicant, usually the property owner, must apply to the TCEQ for certification of property as a MSD. If granted, the applicant will not be required to clean up designated groundwater on the site to drinking water standards, although other cleanup standards such as inhalation, contact, and impact to ecological receptors, must still be met. The application will not be approved by the TCEQ if the municipality where the site is located does not give formal approval. That approval must be by means of a city council resolution supporting the application and an ordinance prohibiting potable use of groundwater in the MSD area (potable water is water used for irrigating crops intended for human consumption, drinking, showering, bathing or cooking purposes).

In January 2005, City Council adopted an ordinance creating a procedure to bring a MSD application before City Council. The procedure includes filing an application with the City, staff review of the application for potential impacts to City interests, a public meeting held for the purpose of providing information on the application to the affected community, and a public hearing.

On February 5, 2008, Museum Place Holdings, LLC, filed an application with the City seeking support of an MSD for the Site known as the Museum Place Development, Fort Worth, Texas. Staff from the departments

of Engineering, Environmental Management, Planning and Development, Transportation and Public Works, and Water, reviewed the application for potential impacts to City interests. No significant concerns were identified.

Notice was issued as required by ordinance, and a public meeting was held in the Tandy Lecture Hall of the Fort Worth Central Library on March 10, 2008. Five representatives of the Applicant and two city staff were present. Three residents of Fort Worth and surrounding cities were in attendance. No comments from residents adverse to this application were received.

The groundwater that is sought to be restricted is shallow, perched groundwater that occurs at depths of eight to 15 feet below the ground surface (bgs) down to the top of the underlying, confining limestone layer that occurs at a depth of 16 feet bgs. The affected shallow groundwater is not a designated, recognized major or minor aquifer. The chemicals of concern detected in the designated groundwater exceeding the applicable Tier 1 TRRP Residential Protective Concentration Levels (PCLs) include: benzene, MTBE, tetrachloroethene, cis-1,2-dichloroethene and trichloroethene.

The Fort Worth Water Department provides water service to all existing residential and commercial/industrial properties within the City limits of the City of Fort Worth, within ½ mile of the MSD boundary. All undeveloped properties (within the City Limits of the City of Fort Worth) within ½ mile of the Site are eligible to receive water service from the Fort Worth Water Department in accordance with the Texas Water Service Certificate of Convenience and Necessity (CCN) No. 12311 (City of Fort Worth) and the City of Fort Worth Policy for the Installation of Community Services. There are no other cities within ½ mile of the MSD boundary.

The Site is located in COUNCIL DISTRICT 7 and is zoned MU-2, High Intensity Mixed Use.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that this action will have no material effect on City funds.

TO Fund/Account/Centers

FROM Fund/Account/Centers

Submitted for City Manager's Office by:

Carl Smart (6183)

Originating Department Head:

Brian Boerner (6647)

Additional Information Contact:

Michael Gange (6569)
